

Freedom on the Net 2024 - Colombia

Key Developments, June 1, 2023 - May 31, 2024

Internet freedom in Colombia remained largely steady during the coverage period, though serious challenges persisted—particularly the ongoing threat of violence against digital journalists. The government does not generally censor political, religious, or social content, and the Constitutional Court has often ruled in defense of online free expression and access to information in recent years.

- A September 2023 Constitutional Court decision affirmed the right to internet access during social protests, setting a strong precedent in favor of freedom of expression, access to information, and online mobilization (see A3, B8, and C1).
- The government did not appear to block political, religious, or social websites during the coverage period, though blocks of unauthorized gambling sites continued. In June 2024, after the coverage period, reports emerged that Reddit was temporarily blocked under unclear circumstances (see B1).
- Violence against digital journalists, though potentially less severe than the previous coverage period, remained an ongoing challenge. At least one journalist was killed in potential retaliation for their online reporting during the coverage period (see C7).
- News outlets and government entities continued to face disruptive cyberattacks (see C8).

Political Overview

Colombia is among the longest-standing democracies in Latin America, but one with a history of widespread violence and serious human rights abuses. Public institutions have demonstrated the capacity to check executive power, and the country's main left-wing guerrilla group signed a peace accord in 2016. Nonetheless, Colombia faces enormous challenges in consolidating peace and guaranteeing political rights and civil liberties outside of major urban areas.

A Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?

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Internet access has remained stable in Colombia. According to data from the International Telecommunication Union (ITU), internet penetration stood at 72.8 percent in 2022.¹ Fixed-line internet connections remained largely stagnant, from 17.28 connections per 100 inhabitants in the final quarter of 2022 to 17.09 connections per 100 inhabitants as of December 2023. However, mobile internet connectivity continued to increase between the final quarters of 2022 and 2023, from 77.7 connections to 86.2 connections per 100 inhabitants.²

Though fixed-line broadband speeds have improved in recent years, Colombia ranks relatively low in global surveys of mobile broadband speeds. Speedtest recorded a median fixed-line download speed of 143.68 Megabits per second (Mbps) in May 2024, up from 94.40 Mbps in May 2023, placing Colombia 37th out of 181 countries surveyed. Mobile broadband speeds still lag

significantly, however; with a median download speed of 18.85 Mbps, Colombia ranked 124th among 147 countries surveyed as of May 2024.³

In recent years, the Ministry of Information and Communication Technologies (MinTIC) has sought to expand connectivity by upgrading 2G and 3G mobile networks to 4G networks.⁴ The MinTIC reported that 4G connections accounted for 89 percent of the 43.2 million mobile connections in the country in September 2023.⁵ As of December 2023, 4G coverage was reportedly available to 85 percent of the country’s population.⁶

After conducting 5G network trials in several cities in 2022, the MinTIC commenced the allocation process for 5G-suitable spectrum in 2023, with the aim of implementing 5G in Colombia in 2024.⁷ An auction for the allocation of 5G spectrum was held in December 2023.⁸ In February 2024, the MinTIC approved resolutions allowing the auction winners to begin 5G deployment.⁹

In July 2021, the government passed an amendment to existing legislation that declared the internet an “essential public service.” It requires providers to guarantee service to their customers and avoid suspending the installation, maintenance, and adaptation of their networks (see A2).¹⁰

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?	2 / 3
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Geographic and socioeconomic disparities in internet access are notable, but current and former administrations have made efforts to address them and expand access to information and communication technologies (ICTs).

A digital divide persists across socioeconomic strata,¹¹ and fixed-line internet speeds vary greatly among lower- and higher-income households.¹² An urban-rural gap also exists; as of 2022, the most recently available data, more than 70 percent of households in some areas did not have an internet connection.¹³

Colombia ranks relatively high on indicators of internet affordability, especially when compared with other countries in the region. According to Cable, a British company, the average price for 1 gigabyte (GB) of mobile data in Colombia was 813 pesos (\$0.20) as of 2023, the cheapest cost in South America.¹⁴ Colombia’s average monthly broadband cost of 79,900 pesos (\$19.93) was the second-lowest in the region as of 2024.¹⁵

Under the July 2021 law establishing the internet as an essential public service, the MinTIC must adopt regulatory measures aimed at ensuring that providers extend access to rural areas (see A1).¹⁶ To improve access in underserved communities, the law includes incentives for service providers with fewer than 30,000 users, such as temporary tax exemptions.¹⁷

In recent years, the government has taken several steps to address digital disparities. In March 2023, the MinTIC announced the Connect ICT 360 plan, which aims to provide connectivity to 85 percent of Colombians by 2026, with a focus on implementing emerging technologies and encouraging new service providers in regions affected by the digital divide.¹⁸ More recently, in February 2024, the MinTIC introduced a National Digital Strategy (END) 2023–26, proposing to boost connectivity in rural and underconnected areas through satellite internet investments and public internet access points, among other objectives. Under the END, the government aims to surpass 71 million mobile and fixed-line internet connections in Colombia.¹⁹

In October 2023, the MinTIC announced a partnership with the company InterNexa for the Connectivity to Change Lives project, which aims to provide fixed-line connections to 384,000 lower-income households in underconnected Pacific coastal departments and La Guajira.²⁰

In 2020, the MinTIC set out to install over 10,000 internet access points that provide free service to remote and rural areas in all 32 departments through 2030. Three percent of the access points,

known as Digital Centers, were to be set in Indigenous and Afro-Colombian communities. At launch, the MinTIC heralded the project as the “largest rural connectivity project in the history of the country.”²¹ However, a corruption scandal plagued the first iteration of the project, after an entity known as the Temporary Union of Population Centers was found to fraudulently secure a MinTIC contract to complete the work.²² According to the ministry, by March 2024, 13,243 Digital Centers had been established in schools, Indigenous communities, parks, and health centers, among other areas, with the goal to reach 14,057 operational Digital Centers by the end of 2024.²³

Colombian law allows service providers to engage in zero-rating, which has the potential to limit the content that certain people can access. Article 56 of Law 1450 of 2011 states that internet service providers (ISPs) “may make offers according to the needs of market segments or their users according to their usage and consumption profiles, which shall not be understood as discrimination.”²⁴ Recently, concerns have been raised regarding how ISPs utilize the personal data of users to create these internet packages (see C6).

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?

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The government does not limit bandwidth or deliberately restrict internet connections, nor does it impose centralized control over infrastructure, except in emergency situations when ISPs are required to make their infrastructure available for official responses.²⁵

In September 2023, the Constitutional Court ruled in a case concerning connectivity disruptions that previously occurred in Cali during May 2021 demonstrations. The court declared that the Colombian government, including the Ministry of Defense, the National Police, the MinTIC, and the National Spectrum Agency (ANE), violated expression, association, and assembly rights by failing to provide accurate and detailed information about why the internet disruptions occurred during the protests,²⁶ though there is no evidence that the government intentionally restricted connectivity in Cali. Movistar, a service provider, reported that vandalism had disrupted service around this time. The court’s decision also recognized internet access as a fundamental right and emphasized the state’s obligation to guarantee that access during protests.²⁷ Digital rights organization Access Now commended the Constitutional Court’s decision as an important precedent for freedom of expression and access to information,²⁸ a role that the court has often taken in recent years (see C1).

Colombia has multiple internet exchange points (IXP), NAP Colombia and PIT Colombia, through which ISPs exchange traffic to improve efficiency and speed. NAP Colombia is located in Bogotá and managed by the Colombian Chamber of Informatics and Telecommunications (CCIT),²⁹ while PIT Colombia operates in several of Colombia’s largest cities.³⁰

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?

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There is healthy competition among the country’s more than 3,000 internet service operators, and consumers have multiple options.³¹ Market entry is straightforward, and it is possible for anyone to set up an ISP by following the general requirements of the 2009 ICT Law, which establishes free competition and prioritizes efficient use of infrastructure and access to ICTs.³² However, approximately 71.8 percent of the fixed-line market is held by three providers as of the fourth quarter of 2023: Claro, with a 37.4 percent market share, UNE EPM with a 17.9 percent share, and Movistar with a 16.5 percent share.³³

Registration requirements are neither excessive nor onerous. Business owners must provide personal and tax identification as well as a description of services, but no fee is required. This

information is published in an open registry, and the MinTIC has 10 days to verify the data before the business may begin operating. Registration can be denied when information is incomplete or false, or when an ISP does not have the proper commercial status to offer the necessary services.³⁴ ISPs must also apply for licenses to utilize the radioelectric spectrum, although there have been no complaints of difficulties or bias with this process.

The mobile service sector is more concentrated. Although there are 12 providers, 89.8 percent of the market is in the hands of three companies according to a MinTIC bulletin covering the fourth quarter of 2023: Claro (52.7 percent), Movistar (19.6 percent), and Tigo (17.6 percent).³⁵

The 2019 ICT modernization law, which aims to increase connectivity, risks maintaining and augmenting market concentration by favoring larger and more established telecommunications providers (see A5). The spectrum licensing period, for instance, was extended from 10 years to up to 20.³⁶ While this extension provides more stability for private investments, it could limit competition at the infrastructural level.

Service providers are required to contribute 1.9 percent of their gross annual income to a MinTIC fund, the Single Fund for ICT (FÚTIC), which is devoted to the development of nationwide ICT projects. However, the ICT minister is given the discretion to modify these contributions at any time “according to the variations in the behavior of the market and its correspondence with the needs and investment plans for closing the digital divide.”³⁷

The MinTIC has taken some recent steps to boost the competitiveness of smaller, regional ISPs. An August 2023 decree, for example, allows certain ISPs with fewer than 30,000 network accesses to claim an exemption from contributing to the FÚTIC.³⁸ In October 2023, the MinTIC established regulations that will make it easier for regional ISPs to access resources from the FÚTIC and allow them to more easily participate in projects that increase connectivity for lower-income households.³⁹

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?

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The regulation of Colombia’s ICT sector changed significantly in 2019, after Congress approved the ICT modernization law (see A4). It notably eliminated the National Television Authority (ANT) and established a convergent regulator—through a restructured Communications Regulation Commission (CRC)—to oversee the ICT sector, television, and radio. Critics of the law contended that the new regulatory body concentrated too many functions in the government and lacked independence.⁴⁰

In a move criticized by the Organisation for Economic Co-operation and Development (OECD), the law also establishes two decision-making entities within the CRC: the Commission for Audiovisual Content (CCA), covering issues related to pluralism and audiences, and the Communications Commission (CC), dealing with technical and market regulation. The CCA has three members: two chosen through a public contest and one chosen by regional channels. The CC has five: the ICT minister, a commissioner chosen by the president, and three selected by the government through an open application process.⁴¹

The president appoints the ICT minister, who oversees the telecommunications sector through the ministry; that minister is responsible for leading the CRC.⁴² The minister also designates the head of the ANE, which manages Colombia’s radioelectric spectrum. Some have suggested that this executive-driven design prevents objective oversight of the sector and affords the president undue influence over its operations.

The MinTIC has suffered from several controversies in recent years. President Gustavo Petro’s initial nomination for ICT minister, Mery Gutiérrez, was withdrawn, reportedly due to conflict-of-interest concerns stemming from pending legal challenges,⁴³ and Sandra Milena Urrutia was sworn

in as the ICT minister in September 2022.⁴⁴ However, Urrutia resigned from the post in April 2023, during the previous coverage period, and was replaced by Mauricio Lizcano the following month.⁴⁵

Since 2009, a government-appointed concessionaire has been responsible for administering the .co domain.⁴⁶

B Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?

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Political, religious, and social content is not regularly blocked or filtered in Colombia.⁴⁷ YouTube, Facebook, X, and international blog-hosting services are generally freely available. However, reports emerged that Reddit was temporarily blocked in June 2024, after the coverage period.

Websites are frequently blocked in connection with gambling and illegal activities. In many cases, the exact criteria for blocking such content remains unknown (see B3). The National Police, announcing an alliance with the MinTIC to confront cybercrime, reported that as of April 2024, 13,330 webpages had been blocked for content related to cybercrime.⁴⁸ Previously, in December 2022, the Directorate of Criminal Investigation and Interpol (DIJIN) reported that more than 20,000 webpages had been blocked in response to 59,774 cybercrime-related complaints during that year.⁴⁹

Since 2018, the Industrial and Commercial Company of the State Administrator of the Rent-Seeking Monopoly of Games and Chance (Coljuegos), Colombia's gambling regulator, has regularly requested the blocking of unauthorized gambling websites.⁵⁰ In March 2024, Coljuegos reported having issued 14,570 blocking orders for gambling websites over the previous four years.⁵¹

On June 3, 2024, after the coverage period, Fundación Karisma reported that Reddit had been blocked by at least two ISPs, apparently by order of Coljuegos to combat illegal gambling.⁵² It remains uncertain whether the block began on May 31 or June 1,⁵³ but access to Reddit appeared to be restored after approximately six days. The unclear circumstances and disproportionate nature of the block have led to speculation that it was done by mistake.⁵⁴

Transportation apps, like Uber, DiDi, and Cabify, have been the center of much debate. While the companies behind these apps have incurred fines or received orders to suspend operations in recent years, the apps themselves have not been blocked.⁵⁵ In January 2023, the Infobae news outlet reported that the Superintendence of Transportation intended to introduce legislation that would ban the transportation apps and fine users and drivers.⁵⁶ However, after criticism of the proposal, the Ministry of Transportation and the Superintendence of Transportation announced that a bill regulating the platforms would not be presented until dialogues were held with drivers.⁵⁷ In October 2023, the Supreme Court upheld a lower court's ruling to allow Uber's operation in Colombia; a Bogotá court had ruled against a lawsuit for unfair business practices filed by taxi drivers.⁵⁸

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?

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The Colombian government does not regularly order the removal of content, though a 2019 Supreme Court ruling could facilitate content restrictions. Court cases have periodically resulted in judicial orders to remove specific information deemed to violate fundamental rights (see B3). News outlets have also reported receiving legal threats intended to force them to remove content based on the “right to be forgotten” and defamation lawsuits. As of May 2024, the Foundation for Press Freedom (FLIP) had reported seven requests to remove or block journalistic online content since 2022, including two incidents during the current coverage period.⁵⁹

In December 2019, the Supreme Court ruled that blog and forum operators would be legally responsible for third-party defamatory user comments if they did not adopt mechanisms to control them. The decision was criticized for incentivizing forum operators to excessively restrict comments or eliminate comment sections.⁶⁰

Between July and December 2023, Facebook restricted access to more than 2,900 items related to goods regulated by the National Institute of Drug and Food Surveillance, one item following a court order, and approximately 200 others due to apparent violations of local law.⁶¹

In recent years, orders to remove content have been issued as part of broader efforts to engage in judicial harassment against journalists and other critical online users, an ongoing issue in Colombia (see C3). In November 2023, a Bogotá court ordered Revista Raya to remove an online investigation into sexual assault allegations against politician and retired army officer José Luis Esparza Guerrero, as well as to rectify, or publicly retract, the allegedly defamatory information. The outlet was also prohibited from publishing such information in the future, though it remained possible for Revista Raya to appeal the decision.⁶²

During the previous coverage period, in July 2022, the Constitutional Court ruled in favor of former president Álvaro Uribe Vélez in an *acción de tutela* (guardianship action)—a legal action aimed at protecting fundamental rights outlined in the constitution, such as privacy and reputation—against Daniel Mendoza Leal, creator of the web series *Matarife*. The court ruled that Mendoza had slandered Uribe in the series and ordered him to rectify an X post accusing Uribe of committing genocide, among other criticisms.⁶³ However, the court did not grant Uribe’s request to remove *Matarife* and prevent its distribution on the internet.⁶⁴

FLIP has warned that judges have used judicial channels to unduly restrict content relevant to the public interest at unprecedented levels in recent years.⁶⁵ In February 2024, a lower court ordered journalist Daniel Coronell and publisher Penguin Random House to partially remove text published in updated editions—including digital versions—of the book *Los niños del Amazonas: 40 días perdidos en la selva* (*The Children of the Amazon: 40 Days Lost in the Jungle*), citing privacy violations for the minors mentioned in the text. Critics of the decision argued that the case, which was brought by the alleged perpetrator, censors allegations of sexual and domestic violence because it silences matters of public interest.⁶⁶

Private reputation-management companies, such as the Spanish firm Eliminalia, offer services that erase the electronic traces of their clients, including individuals in Colombia. The service’s techniques reportedly consist of judicial threats, mainly targeted at the media, and the manipulation of search-engine algorithms.⁶⁷ Several publications, including La Silla Vacía,⁶⁸ Colombia Reports,⁶⁹ and the university newspaper *El Uniandino*,⁷⁰ have reported such attempts to remove their content in recent years.

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?

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Colombian authorities and courts place some restrictions on digital content, and these decisions are sometimes made in an opaque environment and with sparse or no public explanation. Though

content takedown cases carried out through judicial channels generally uphold transparency and due process for all parties, users often have limited avenues to appeal blockings or restrictions.

Police and other institutions may limit a wide range of content, from sexual abuse imagery to vaguely defined “inappropriate” material, in order to protect minors. Child sexual abuse images, which are illegal under international law, are subject to blocking.⁷¹ Decree 1524 (2002) requires ISPs to undertake technical measures to prevent the online availability of child sexual abuse images.⁷² Civil or judicial oversight of these restrictions is limited, because information about which websites are blocked is classified.⁷³

Online gambling legislation also allows for the blocking of websites, but there is no centralized, public reporting system with explanations for why sites are blocked, and the reasons are not always disclosed. For example, Reddit was reportedly blocked in June 2024, after the coverage period, for reasons related to illegal gambling; however, the exact circumstances behind the incident remained largely unknown (see B1).⁷⁴ Users are sometimes, but not always, redirected to pages displaying the reason a website is blocked. In some cases, entire websites are blocked for having gambling-related advertisements.⁷⁵

A number of ISPs publish data or transparency reports on government requests to restrict content.⁷⁶ According to Fundación Karisma’s 2022 “Where is my data?” report, the most recently available, five companies—Claro, Movistar, Tigo, Bogotá Telecommunications Company (ETB), and Partners Telecom Colombia (WOM)—give detailed information about URL takedowns.⁷⁷

Several cases related to restrictions on online content have been reviewed by the Constitutional Court. In September 2019, for example, the court issued a ruling establishing that intermediaries are not liable for third-party content but can be called to enforce judgments for deletion of content online when the publisher cannot or is unwilling to comply.⁷⁸ Often, content takedown requests are brought before judicial authorities through an acción de tutela. In November 2022, during the previous coverage period, the Constitutional Court rejected an acción de tutela in which a senator and former mayor sought to edit information about him on Wikipedia. In addition to ruling that the request did not comply with procedural requirements, the court reaffirmed that public officials must tolerate a greater burden of social criticism.⁷⁹

In November 2022, the Constitutional Court opened a hearing for the acción de tutela of adult-film actress Esperanza Gómez against Meta. The actress claimed that Instagram had censored her by closing her account for allegedly violating community rules against promoting adult content and sexual services.⁸⁰ Gómez maintained that she did not use the platform for those purposes and that her rights to freedom of expression and ability to work were violated. The case raised questions regarding the barriers to filing a claim against a foreign company for a potential violation of rights in Colombia, as well as the protection of users’ rights in content takedowns. The case was returned to the court of first instance in February 2023 due to procedural irregularities.⁸¹ A decision by the Constitutional Court remained pending at the end of the current coverage period.

In June 2023, the Congress approved a bill that would address political violence against women.⁸² Article 29 of the bill includes a broad provision allowing the National Electoral Council (CNE) to remove content, “including that which is disseminated through digital media,” if it is considered violence against women in politics.⁸³ Freedom-of-expression organizations, such as Fundación Karisma, FLIP, and El Veinte, raised concerns that the bill could disregard international standards of freedom of expression, moderate public debate, and eventually be used to censor protected speech.⁸⁴ The bill did not immediately become law, as it remains under review by the Constitutional Court.

In June 2023, Congress approved a new electoral code. The overhauled electoral law, which introduces several changes to elections in Colombia,⁸⁵ also addresses gender-based political violence. Article 253.3 of the law would classify it as an act of political violence to “restrict communication channels in any virtual medium” of women, trans[gender], and nonbinary people based on their gender.⁸⁶ Civil society organizations such as El Veinte, Fundación Karisma, and FLIP urged the Constitutional Court to declare this provision, among others, as unconstitutional,

arguing that it could be used to prevent platforms from engaging in effective content moderation, posing a threat to freedom of expression online.⁸⁷ In August 2024, after the coverage period, the Constitutional Court ruled that the new electoral code was unconstitutional, citing procedural flaws with its passage.⁸⁸

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?	3 / 4
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Self-censorship is a notable problem for journalists and likely affects online publications.⁸⁹ Journalists sometimes practice self-censorship out of fear of violence by armed groups, legal action under libel laws, or the general climate of impunity.⁹⁰ Online harassment against women remains a serious issue in Colombia and has also led to some self-censorship.

In February 2023, FLIP reported that in December 2022 Diego Peña, a journalist in Donmatías, in the department of Antioquia, closed his Facebook media outlet and left the town after he experienced judicial harassment by public officials. Peña was reportedly the only journalist investigating corruption in the municipality.⁹¹ A December 2022 ruling by the Constitutional Court acknowledged the threat journalists and media outlets face from strategic lawsuits against public participation (SLAPPs), particularly when they are reporting on gender-based violence and accusations of abuse and harassment on social networks. The ruling, which concerned a report in the outlet Volcánicas alleging sexual harassment by a prominent filmmaker (see C3), recognized that if the legal system imposes particularly severe sanctions or consequences in response to civil or criminal liability procedures, it could impact the exercise of freedom of the press or expression and lead to self-censorship.⁹²

In March 2023, a Constitutional Court decision underscored the particular dangers that women journalists face from online gender-based violence (see C7). Among its considerations, the ruling recognized that patterns of digital violence lead to self-censorship, making it much more difficult for women journalists to do their work and express themselves.⁹³

The threat of physical violence has also facilitated self-censorship for some internet users in Colombia. In June 2024, after the coverage period, FLIP reported that three journalists had decided to stop publishing news on local security matters after they were threatened by members of the Revolutionary Armed Forces of Colombia (FARC), a left-wing rebel group that had fought government forces before reaching a peace accord.⁹⁴

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?	2 / 4
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Disinformation and coordinated attempts to amplify political narratives have sometimes influenced online information in Colombia.

Events of high national interest, like presidential and municipal elections, frequently prompt heightened levels of manipulated online content. Ahead of the October 2023 local elections, for instance, separate inauthentic audio recordings, likely created with artificial intelligence (AI), were circulated on social media in which the then candidates and now mayors of Cali and Bogotá, Alejandro Eder Garcés and Carlos Fernando Galán Pachón, allegedly made controversial statements about their political positions and campaign alliances. Both candidates dismissed the authenticity of the recordings on their social media accounts.⁹⁵ In another case, a video shared on Facebook that October potentially used AI to impersonate the voice of a newscaster, falsely claiming that a gubernatorial candidate in the Putumayo department was supported by armed groups.⁹⁶

Previously, ahead of the May 2022 presidential election and June runoff election, coordinated and seemingly inauthentic ad campaigns spread disinformation and hateful content about a wide range of candidates and politicians on Facebook and Instagram. The Atlantic Council’s Digital Forensic Research Lab (DFRLab) reported on the campaigns in August 2022, revealing connections between the Facebook networks and so-called “disinformation for hire” marketing firms that sought to influence the vote by spreading fear and polarization. The campaigns most frequently targeted Gustavo Petro, the election’s eventual winner; one of the most costly campaigns paid \$138,500 for ads that linked to fringe media and alternative sites with content attacking Petro and supporting right-wing candidate Federico Gutiérrez and independent candidate Rodolfo Hernández.⁹⁷

High levels of disinformation, including about economic issues facing the country and candidates from across the political spectrum, were also spread during the 2022 electoral period outside of these coordinated ad campaigns.⁹⁸ Decontextualized and doctored pictures of candidates were shared across social media platforms in high volumes, while unknown actors fabricated posts on X posing as various candidates. Political actors close to candidates were also frequent sources of disinformation.⁹⁹

During the coverage period, Colombian authorities also used social media platforms in attempts to influence online debate or advance their favored political interests. Both as a candidate and while in office, President Petro has used social media to criticize the press and attack individual outlets for their reporting. In November 2023, FLIP criticized Petro for responding to inaccurate claims made by the press by posting stigmatizing and delegitimizing comments online, broadly accusing journalists of spreading false information.¹⁰⁰ The following month, La Silla Vacía reported that Petro had used his X account 155 times in 2023 to respond directly to journalists or news outlets over reporting that he considered inaccurate or wrong.¹⁰¹ In May 2024, FLIP noted that Petro and other government officials have used social media to spread the notion that journalists are perpetrating a “soft coup” against the rule of law.¹⁰²

During government-supported Labor Day demonstrations on May 1, 2024, President Petro posted several images of demonstrations from other days—including two from protests organized to oppose him. The images shared by Petro were meant to showcase strong public support for his governing reforms.¹⁰³

In August 2022, during the previous coverage period, it was reported that an X user who had previously created an inauthentic academic persona to defend then Medellín mayor Daniel Quintero Calle and attack his opponents had transformed their account into an apparent media outlet. This outlet, under the name Frente al Poder, had received more than 60 million pesos (\$15,000) in public advertising contracts from the city.¹⁰⁴ One media report from January 2023 estimated that approximately half of Quintero’s X followers were inauthentic accounts or automated “bots” used to support and amplify the mayor’s posts.¹⁰⁵

Disinformation affects the online media landscape beyond social media platforms. According to a November 2022 report by the Global Disinformation Index (GDI), 44 percent of the online media sites assessed presented a medium risk of disinformation, while 12 percent presented a high risk. The report cited risk factors ranging from a lack of transparency regarding funding and editorial stances to the publication of openly biased content that could manipulate users.¹⁰⁶

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content online?

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Many online news outlets are thought to avoid or adjust coverage of certain issues in order to maintain relationships with advertisers.

Economic pressures have worsened the risk for censorship in Colombia, due in large part to dependence on government advertising. In February 2024, FLIP reported that a group of mayors

and governors had spent more than 650 billion pesos (\$157.1 million) on official advertising over the past four years. A survey published by Cifras y Conceptos in April 2023 found that 44 percent of the 585 respondents were aware of a local media outlet that had stopped publishing certain content due to concerns over losing advertising, while 48 percent were aware of journalists who altered their editorial position to secure an official advertising contract.¹⁰⁷

Meanwhile, September 2023 reporting by La Silla Vacía found that the Petro administration had directed 84 percent of official advertising spending to National Radio and Television of Colombia (RTVC) during the first half of 2023.¹⁰⁸ RTVC's impartiality has been strongly questioned in recent months, particularly after the April 2024 appointment of Hollman Morris, a Petro ally, as manager.¹⁰⁹

In October 2022, during the previous coverage period, the governing coalition, Historic Pact, announced legislation that would regulate public advertising in the media and impose taxes on foreign over-the-top (OTT) platforms, such as Netflix or Amazon Prime Video, which provide streaming services through the internet, among other provisions to “strengthen community and alternative media.”¹¹⁰ However, the project did not appear to progress by the end of the current coverage period.

B7 0-4 pts

Does the online information landscape lack diversity and reliability? | 3 / 4

Colombia has numerous digital media outlets and online spaces for political debate, and Colombians are able to view and disseminate a wide range of content.

Many professional media enterprises thrive in Colombia's largest cities, and authorities generally do not interfere with their operations. However, there is a lack of media diversity in many regions. According to the most recent statistics from FLIP, almost 60 percent of the 1,109 municipalities they mapped had no media that produced local news. Out of the 2,186 media outlets that FLIP identified, 228 were digital.¹¹¹ Of these digital outlets, 62 percent were concentrated in department capitals, while 1,030 municipalities had no digital news media as of 2019.¹¹²

Indigenous voices are underrepresented in the online landscape, which lacks linguistic and cultural diversity.¹¹³ False or misleading content has also contributed to offline harms for Indigenous Colombians in recent years. During a national strike in May 2021, false claims spread on social media that members of the Regional Indigenous Council of Cauca (CRIC) were entering residential complexes in Cali with the intention of looting them. As a result, residents violently confronted the group; eight Indigenous people were injured, including the CRIC's leader, who was shot in the abdomen.¹¹⁴

The presence of false information online has negatively affected Colombians' ability to access credible and reliable information on the internet. For instance, weeks before the October 2023 local elections, RCN Radio and La FM published misleading online articles—which were later deleted—that were used to falsely claim that a candidate for mayor of Cali had formed an alliance with the incumbent. Two paid Facebook ads repeating the false claim, using the hashtag #RCNConfirma (#RCNConfirms), reportedly generated more than 200,000 views.¹¹⁵

According to the 2022 edition of the Reuters Institute's *Digital News Report*, 61 percent of survey respondents expressed concern about discerning between real and false information online.¹¹⁶ As of 2023, just 38 percent of respondents expressed trust in the news they personally consumed, while 35 percent indicated trust in the news overall.¹¹⁷

While disinformation campaigns, including those that deploy generative AI, remain a serious concern in Colombia (see B5), several journalistic initiatives have been formed to counteract false and misleading information. For example, the ColombiaCheck project by Consejo de Redacción¹¹⁸ and the Lie Detector section of La Silla Vacía¹¹⁹ both conduct fact-checking journalism, helping to improve the reliability of the online information space.

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?

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Social media has played an important role in organizing and has contributed to offline mobilization in recent years. Though police abuses, including arbitrary detentions, physical violence, and device seizures, were widespread during 2021 protests, they have not been reported on a similar scale in subsequent years.

In March 2024, organizers used the hashtag #LaMarchaDeLaMayoría (#TheMarchOfTheMajority) to organize nationwide protests in opposition to President Petro and his proposed left-leaning reforms.¹²⁰ Previously, in February 2023, similar demonstrations were held both in favor of recent government reforms,¹²¹ called by President Petro, and against them,¹²² called by the opposition. Participants on both sides, including Medellín mayor Quintero,¹²³ an ally of Petro, and opposition senator Miguel Uribe Turbay,¹²⁴ used social media to mobilize support during the 2023 demonstrations. None of these demonstrations involved widespread episodes of police brutality.

From April to July 2021, nationwide protests that began in opposition to a proposed tax reform quickly escalated into a mass antigovernment movement. Demonstrators were met with severe abuses by police, and Colombians used social media to contribute to the movement's momentum and share videos documenting and condemning police brutality.¹²⁵ In September 2023, the Constitutional Court, considering connectivity disruptions reported in Cali during the 2021 demonstrations (see A3), affirmed that restrictions on internet service for reasons of public order are inconsistent with freedom-of-expression standards, and that the scope for invoking national security as a justification for internet-access restrictions must be defined by law.¹²⁶

In November 2022, the UN Educational, Scientific, and Cultural Organization (UNESCO) officially launched the Social Media 4 Peace project in Colombia. Funded by the European Union, the project aims to strengthen society's capacity to counter online hate speech while promoting freedom of expression and peace through social media.¹²⁷

C Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?

4 /
6

Colombia's constitution includes protections for free expression, and judges often uphold these rights in practice. Article 20 of the constitution guarantees freedom of information and expression and prohibits prior restraint. Article 73 further provides for the protection of "the liberty and professional independence" of "journalistic activity." Although there are no specific provisions protecting freedom of expression online, according to the Constitutional Court, online journalists and bloggers have the same liberties and protections as print or broadcast journalists.¹²⁸

The judiciary consistently exhibits independence. Though judges have sometimes ruled against free expression, as with orders to restrict content based on an acción de tutela, in recent years there have been multiple judicial rulings in favor of online expression, access to information, and the right to access the internet (see A3 and B3). Thanks to its constitutionally granted powers, the Constitutional Court has typically ruled in favor of freedom of expression, access to information, and freedom of the press in Colombia. In June 2022, for example, the Constitutional Court ruled in favor of FLIP in a protective action it filed against Juan Pablo Bieri Lozano, the former manager of

RTVC. In 2019, FLIP published a recording that revealed Bieri's intentions to censor a journalist, leading Bieri to ultimately denounce FLIP in a series of social media posts. Among its considerations, the ruling argued that attacks against rights organizations like FLIP undermine democracy and the rights of journalists, whose credibility is important to maintaining public confidence in their work defending human rights.¹²⁹

Legislative initiatives that restrict protected rights online may be declared unconstitutional upon review by the Constitutional Court.¹³⁰ In April 2022 the Constitutional Court overturned an electoral-code reform that had been criticized by digital rights organizations for threatening citizens' political expression over social media (see C2).¹³¹ Previously, in January 2022, the Constitutional Court ruled that the attorney general's office had violated FLIP's information and expression rights when it refused to share information with the organization on the number of criminal libel and slander complaints filed against journalists by a particular lawyer. The court also ordered the office to provide FLIP with the requested information.¹³²

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?

**2 /
4**

Colombian law maintains criminal penalties for defamation. According to the penal code, individuals accused of making "dishonorable accusations" can face up to four and a half years in prison, while individuals accused of libel can face up to six years in prison. Sentences may be heavier when the crime is committed through the use of "social mediums of communication or of other collective divulgence."¹³³ Whoever "publishes, reproduces, or repeats" dishonorable accusations or libel may also be subject to the same punishment.¹³⁴

Recent efforts to decriminalize libel and slander have faced significant roadblocks. In November 2023, the Constitutional Court rejected a constitutional challenge filed by the organization El Veinte against the prison sentences prescribed for the crimes of libel and slander. The ruling held that these sanctions are not disproportionate to the exercise of freedom of expression, nor do they promote self-censorship—instead arguing that they are important protections for the right to a good name and honor. Dissenting opinions noted that the prison sentences, in addition to promoting a negative effect, have also served to encourage SLAPPs, which can drive self-censorship among journalists (see B4). The dissenting judges argued that these penalties are inconsistent with both international and inter-American standards for limitations on freedom of expression.¹³⁵ In April 2023, during the previous coverage period, officials confirmed that a proposal to eliminate libel and slander from the criminal code had been dropped from a slate of proposed penal-code reforms, ending the legislative effort to decriminalize such speech.¹³⁶

In April 2022, the Constitutional Court overturned a reform to the electoral code approved by Congress in December 2020. The reform included provisions that had been criticized by digital rights organizations for their disproportionate and ambiguous restrictions on citizens' political expression over social media.¹³⁷ The decision by the court hinged on the flawed legal procedure behind the reform, rather than its content.¹³⁸ Similarly, freedom-of-expression organizations urged the Constitutional Court to reject certain parts of a new electoral code approved in June 2023 that establish, according to Fundación Karisma, FLIP, and El Veinte, unreasonable restrictions on online freedom of expression and undue limitations for online content moderation (see B3).¹³⁹ The Constitutional Court ruled that the 2023 electoral code reform was unconstitutional in August 2024, after the coverage period, again citing a flawed legal procedure.¹⁴⁰

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?

**5 /
6**

Prosecution and imprisonment for online activities is generally rare in Colombia. However, criminal defamation suits and other forms of judicial harassment pose an ongoing threat to journalists and other internet users.

In recent years, criminal defamation suits have sometimes been filed against journalists in retaliation for their online reporting. For instance, in September 2020, the attorney general's office ordered two freelance journalists for the online news magazine Volcánicas to appear for questioning in connection with a criminal defamation complaint. The complainant, screenwriter and director Ciro Guerra Picón, filed the case in response to an article the journalists published in June 2020, describing at least eight separate cases in which Guerra was accused of sexual harassment.¹⁴¹ In May 2021, a court ordered the journalists to add additional context and details to their published testimonies.¹⁴² In December 2022, the Constitutional Court rejected the acción de tutela filed by the director. The ruling held that the journalists did not violate Guerra's right to honor, reputation, and presumption of innocence. Instead, the decision contended that they published a story of public interest that was necessary to counteract discrimination against women and gender-based violence, and acknowledged the potential chilling effect created by such cases (see B4). Both civil and criminal processes in the case remained ongoing in separate courts during the coverage period, and the Constitutional Court sent a copy of its judgment to these courts for them to consider in the respective cases.¹⁴³

High-ranking government officials sometimes launch defamation suits in retaliation for online activities. In December 2023, President Petro filed a defamation complaint against former president Andrés Pastrana Arango after the latter posted accusations on X the previous month that the Petro administration has maintained links with drug trafficking.¹⁴⁴ In January 2024, Petro and Pastrana failed to reach a conciliation agreement—in which Petro requested that Pastrana publicly retract the post—in the case.¹⁴⁵ Separately, in February 2024, prosecutors moved forward with an indictment against cartoonist Jaime Poveda, known as “Bacteria.” Former president Álvaro Uribe Vélez filed a complaint against Poveda for aggravated slander after the cartoonist allegedly accused Uribe of drug trafficking in a 2019 X post.¹⁴⁶

Digital media journalists covering protests have been arbitrarily detained by authorities in recent years. In March 2022, for example, Jennifer Mejía, a journalist for online outlets Le Cuento and Pacifista!, was detained for one hour on unspecified grounds after identifying herself as press. Mejía had been documenting the arrest of a protester involved in demonstrations for International Women's Day.¹⁴⁷

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?

3 / 4

There are no restrictions on the use of anonymizing tools online, though users must register to obtain telecommunication services. While Colombia maintains vaguely worded legislation on encrypted messages, its applicability to online activities remains unclear.

Telecommunications service providers must maintain a database, to which police have access, that contains user data, such as users' names, identification numbers, residential addresses, mobile phone numbers, and service activation dates.¹⁴⁸ Users must provide accurate information under penalty of perjury, which is punishable by a minimum of six years in prison.¹⁴⁹ There are no registration requirements for bloggers or cybercafé owners.

In March 2024, legislators introduced a bill in the House of Representatives, known as the Ana María Chávez Niño Law, meant to combat cyberbullying, impersonation, and other harmful social media activity.¹⁵⁰ Among its provisions, the bill would require users to register for social media platforms using biometric data, prohibiting anonymity.¹⁵¹ The bill was withdrawn in June, after the coverage period.¹⁵²

Colombian law bans the use of “communication devices that use the electromagnetic spectrum” to send “encrypted messages or messages in unintelligible language.”¹⁵³ In response to an information request, the MinTIC explained that those provisions apply only “to the content of the communications, not the encryption of the medium.” Despite the ambiguous wording of the law, the MinTIC further claimed that these provisions only apply to radio-like devices and not to the internet.¹⁵⁴ The Intelligence and Counterintelligence Act stipulates that telecommunications service providers may only offer encrypted voice services to intelligence agencies and “high government” officials.¹⁵⁵ In September 2022, it was reported that the Petro administration had purchased 50 licenses for encrypted call and text messaging services, to be used by cabinet members and state security officials.¹⁵⁶

A 2019 Constitutional Court ruling recognized anonymity as an essential element of freedom of expression and the extension of its protected scope to technologies that enable anonymity, including encryption.¹⁵⁷

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy? | 2 / 6

Intercepting personal communications in Colombia is authorized only for criminal investigation purposes and requires a judicial order.¹⁵⁸ Colombian law allows intelligence agencies to monitor devices that use the electromagnetic spectrum to transmit wireless communication without a judicial order.¹⁵⁹

Episodes of extralegal surveillance carried out by intelligence agencies, the army, and the police against journalists, activists, and opposition leaders have constituted an ongoing scandal in Colombia for more than a decade.¹⁶⁰ Some steps have been taken in recent years to punish perpetrators, including the arrests of former heads of illegal wiretapping and interception networks.¹⁶¹ The Inter-American Commission on Human Rights confirmed in October 2020, however, that impunity persists for those conducting illegal surveillance.¹⁶²

In March 2024, *El País* reported that the Inter-American Court of Human Rights had censured Colombia for conducting long-standing illegal intelligence activities against the José Alvear Restrepo Lawyers’ Collective (CAJAR), a human rights organization.¹⁶³ In October 2023, the court noted that Colombia’s intelligence framework authorizing the “monitoring of the electromagnetic spectrum” without judicial authorization was overly vague, amounting to “a discretionary exercise of state powers.”¹⁶⁴

In March 2024, the Israeli newspaper *Haaretz* published an investigation claiming that the Colombian government had paid \$13 million in cash to secretly acquire Pegasus spyware from NSO Group during Iván Duque Márquez’s administration.¹⁶⁵ Pegasus can surveil all activities on mobile devices with no apparent signs of a breach. There is no evidence that the Ministry of Defense signed a contract for Pegasus, and Colombian authorities have denied that such negotiations even took place.¹⁶⁶

In August 2022, *Revista Raya* published an investigation warning that over several preceding years, Colombian military intelligence personnel had conducted surveillance on and intercepted the private communications of diplomats, political leaders, and journalists as part of espionage efforts against Cuba.¹⁶⁷ According to FLIP, journalists Joshua Goodman, José Luis Mayorga, and Gerald Bermúdez were surveilled by intelligence services during these efforts; Bermúdez had already been profiled by the Colombian army in 2020.¹⁶⁸

Previously, two investigations published by the magazine *Semana* in January and May 2020 revealed the processes and equipment used in illegal military surveillance. The January report exposed the use of sophisticated technology and open-source intelligence—including International Mobile Subscriber Identity (IMSI) catcher equipment, a malware system called Invisible Man, and the AI tool Voyager—to spy on politicians, magistrates, generals, social leaders, activists, and journalists in 2019. The military redirected technology originally provided by the United States to

address drug trafficking and the fight against guerrillas, compiling files on each target that included excerpts of social media conversations, photographs, videos, contacts, and maps tracing their movements.¹⁶⁹ The May report noted that military intelligence personnel had targeted 130 people for surveillance in 2019, including 30 journalists from prominent outlets, human rights defenders, and the regional head of Human Rights Watch.¹⁷⁰

Social media monitoring is also an issue. In February 2023, FLIP reported that the state, particularly the military and security forces, had acquired and were continuing to purchase technologies to monitor online activity and collect information from social media and the online sphere, especially from journalists and media outlets, in order to protect “national security.” The confidential Manual of Military Techniques for Open Source Monitoring documents the use of programs that “analyze social media, monitor posts, verify images, track emails, obtain geolocations, search for people, and extract sensitive information.”¹⁷¹ These practices are only known through leaked documents. According to FLIP, the lack of transparency and legal regulations raises concerns that security forces are not considering human rights standards in the use of these technologies.

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users’ right to privacy?

3 / 6

While some constitutional and legal protections regulate the government’s use of data, service providers in Colombia are obliged to share data with the intelligence community with limited judicial review.

Service providers are required to collaborate with intelligence agencies by providing access, when feasible, to the communications history, location data, or technical data of any specific user without a warrant; intelligence agencies conducting an authorized operation only need to request the data. However, Colombian intelligence and counterintelligence agencies are also subject to Statutory Law 1621 of 2013, which compels them to respect “rights to honor, good name, personal and family privacy, and due process.” Article 4 restricts the discriminatory use of intelligence data, including on the basis of gender, race, or origin.¹⁷²

Service providers are obliged to retain subscriber data for the purposes of criminal investigations and intelligence activities for a period of five years.¹⁷³ An additional threat to user privacy comes in the form of Article 2 of Decree 1704 (2012), which requires ISPs to create access points that capture communications traffic on their networks for criminal investigation purposes; the systems can be used with authorization from the attorney general. Service providers that do not comply with these obligations face fines and could lose their operating license.¹⁷⁴

Recently, concerns have been raised regarding how ISPs use personal data to create and market internet service packages, including zero-rating plans (see A2). In 2022, El Veinte challenged regulations that allow zero-rating for violating the right to privacy of users and net neutrality, among other reasons. The Constitutional Court convened a hearing on the matter in November 2022, and a ruling on the case remained pending at the end of the coverage period.¹⁷⁵

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?

1 / 5

Online journalists faced an ongoing threat of deadly violence during the coverage period. At least one digital journalist was killed in potential connection with their work.

In April 2024, journalist Jaime Vásquez was fatally shot in Cúcuta, Norte de Santander. Vásquez had used X and Facebook to publish investigations related to corruption and wrongdoing in the

department, including weekly Facebook Live broadcasts. Vásquez was not accompanied by the security guard provided to him under the National Protection Unit (UNP) at the time he was killed, and weeks before, the journalist had reportedly warned about worsening violence in Cúcuta.¹⁷⁶ Later that month, Alejandro José Arias, known as “El Cojo,” was arrested and charged with homicide for the murder, pleading not guilty. Arias is reportedly a member of a gang affiliated with the Venezuelan criminal group Tren de Aragua.¹⁷⁷ Vásquez's murder was the second against a journalist in 2024, following the January murder of radio journalist Mardonio Mejía Mendoza.¹⁷⁸

During the previous coverage period, at least five digital journalists were killed in possible retaliation for their work. Luis Gabriel Pereira, director of the Facebook-based outlet Notiorensense, was fatally shot in Ciénaga de Oro, Córdoba, in May 2023. He used Notiorensense to publish news about violence and crime in the municipality. After Pereira published multiple accusations related to crime in Ciénaga de Oro and reported on a recent femicide, his colleagues reportedly warned him about the potential risks of his work. Prosecutors have not definitively tied Pereira's murder to his journalism.¹⁷⁹

In November 2022, in La Unión, Nariño, Wilder Alfredo Córdoba was murdered. The journalist was the director of the local digital outlet Unión Televisión and published news about the local administration on the outlet's Facebook page and his personal Facebook profile.¹⁸⁰ Córdoba had denounced insecurity, crime, and corruption in La Unión and had received threatening messages from the profiles of people identified as members of armed groups. Authorities have been slow to investigate the murder.¹⁸¹

In October 2022, online journalist Rafael Emiro Moreno was murdered in Montelíbano, Córdoba. Moreno, who was the director of digital outlet Voces de Córdoba and published information related to corruption and illegal armed groups, was fatally shot by two men, despite receiving security protection from the state's UNP. The UNP had been warned on multiple occasions about the threats facing Moreno.¹⁸² As of November 2023, no one had been held responsible for the murders of Pereira, Córdoba, or Moreno, though investigations remained ongoing.¹⁸³

In August 2022, journalists Leiner Montero and Dilia Contreras were shot and killed in Fundación, Magdalena. Montero was the director of a local radio station and a Facebook news page. Contreras worked for both national and community radio stations and collaborated with Montero to post stories on Facebook. In recent years, Montero had received several threats, leading him to uninstall the transmitters of the station he established.¹⁸⁴ An individual was arrested and charged with homicide in connection with the murders days after Montero and Contreras were killed.¹⁸⁵

In February 2024, FLIP reported that the number of threats against journalists decreased from 215 in 2022 to 158 in 2023, but noted that the number remained historically high. During 2023, FLIP documented 460 attacks against the press, a figure that also includes cases of stigmatization and judicial harassment.¹⁸⁶

Online journalists are subject to other forms of violence and intimidation. In March 2024, for instance, Alejandro Villanueva, the director of the media outlet Desigual, received more than 10 threatening messages on social media, including death threats—one of which referenced his family.¹⁸⁷ Previously, in June 2021, eight men demanded that Pincen Mora, an editor for independent Facebook-based local news outlet Extrema Noticias, come out of his home and speak with them. When he refused to do so, they opened fire on his house. Mora had previously received death threats over Facebook Messenger for his outlet's reporting on a neighborhood gang.¹⁸⁸

Online journalists covering protests frequently face violence and harassment by state and nonstate actors. FLIP reported that seven journalists, at least three of whom were affiliated with digital media, were victims of physical aggressions and obstructions by demonstrators during February 2023 protests (see B8).¹⁸⁹ In June 2021, journalists José Alberto Tejada and Jhonatan Buitrago of community media outlet Canal2 received threats of deadly violence from security forces while using Facebook to live-stream coverage of national strike protests.¹⁹⁰

Journalists and politicians also sometimes face sexist and racist abuse online. In May 2022, during an electoral period, FLIP and the Electoral Observation Mission (MOE) voiced concern regarding racist content about certain candidates that was being spread online.¹⁹¹ In a decision the same month, the Administrative Court of Cundinamarca recognized “a marked pattern of online violence, exercised [through] social networks, against women journalists,” especially “in the exercise of political activity.” The case involved an acción de tutela filed by FLIP in October 2020 on behalf of nine women journalists who had faced online violence by political actors; they argued that the abuse was facilitated by the failure of political parties and the CNE to effectively penalize such aggression. The court further established that the CNE and political parties’ ethics committees must adopt a more proactive role in preventing and penalizing online violence related to political activity.¹⁹²

In March 2023, the Constitutional Court confirmed the Cundinamarca court’s decision (see B4), recognizing “that there is a marked pattern of online violence perpetrated by third parties against women journalists” and urging political parties to punish online violence and support its victims.¹⁹³ The ruling acknowledges that online violence can facilitate serious offline harms, such as physical attacks, undermining the security of women journalists.¹⁹⁴

In February 2024, the Constitutional Court ordered video streamer Luis Villa, also known as “WestCOL,” to make posts on his social media accounts acknowledging the harms of discriminatory speech on marginalized populations. It also ordered him to attend a training session on LGBT+ rights. The case stemmed from a 2022 incident in which Villa said he would shoot and kill a hypothetical child for identifying as transgender. In 2023, two lower courts had rejected an acción de tutela filed against Villa.¹⁹⁵ Also in February 2024, FLIP also reported that three journalists had received harassing and intimidatory messages from Villa and his followers, including death threats, after they criticized Villa for an apparent act of animal abuse.¹⁹⁶

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?

1 / 3

Online outlets and journalists continue to be targeted by cyberattacks. In 2023, FLIP recorded 13 cyberattacks against media outlets, two more than in 2022.¹⁹⁷ Smaller, Facebook-based outlets remain particularly vulnerable to hacking.¹⁹⁸

Media outlets have been regularly targeted by cyberattacks in recent years. Over the course of several weeks in April and May 2024, news outlet Cambio was targeted by a series of at least four cyberattacks—including one that brought its website offline for almost three hours. The cyberattacks were reportedly in direct retaliation for a July 2023 investigation about Oncocit, a company accused of scamming cancer patients.¹⁹⁹ In April 2023, during the previous coverage period, the Caracol Radio media group was the victim of a “devastating” cyberattack that disrupted normal operations, including radio broadcasting, for several days.²⁰⁰ In August 2021, one media outlet reported to FLIP that its website ceased to work for two and a half hours following a denial-of-service (DoS) attack.²⁰¹

Individual journalists have been victims of recent hacking attempts. In April 2021, Diana Calderón announced that her WhatsApp account had been hacked and become part of a hacking chain, in which her contacts would receive requests for a code from her account that, if provided, would grant the hackers full access to their own accounts. Calderón is the director of a radio show and regularly writes articles for *El País* that are published online. The same hacking campaign also targeted high-level politicians and two other Colombian journalists.²⁰²

Government institutions have faced several cyberattacks in recent years. In September 2023, the cloud services company IFX Networks, which held the data of several Colombian state entities, experienced a cyberattack that forced the Superior Council of the Judiciary to suspend most judicial work for at least six working days.²⁰³ The cyberattack took several judicial websites, in addition to

those for the Ministry of Health, the Superintendence of Industry and Commerce, and other entities, offline for multiple days. Cybersecurity officials struggled for several days to determine the extent of the breach.²⁰⁴

Beginning in late 2022, reports emerged that the army and the attorney general's office had been hacked by "Guacamaya," a hacktivist collective that has targeted institutions in several Latin American countries.²⁰⁵ The cyberattack exposed thousands of law enforcement emails in which judicial processes and detailed military operations were discussed.²⁰⁶

In April 2021, the hacking group Anonymous claimed to have used distributed denial-of-service (DDoS) attacks—which aim to crash websites by bombarding their host servers with information requests—to take down the official pages of the presidency and the Senate. The group also claimed to have leaked the personal information of members of the army through cyberattacks.²⁰⁷

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